

The Honorable Timothy W. Dore
Chapter 7
Hearing Location: Courtroom 8106, Seattle
Hearing Date: December 4, 2015
Hearing Time: 9:30 a.m.
Response Date: November 27, 2015

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

In Re:)	Chapter 7
)	No. 15-14021
PETER A. STUMPEL)	
PEGGY J. STUMPEL)	TRUSTEE'S MOTION
)	TO SELL REAL PROPERTY
)	FREE AND CLEAR OF LIENS
)	AND ENCUMBRANCES
Debtors.)	
)	
)	

COMES NOW Ronald G. Brown, Chapter 7 Trustee for Peter A. Stumpel and Peggy J. Stumpel, and hereby moves the Court, subject to the approval of Wells Fargo Bank, or its successors or affiliates, to sell, pursuant to 11 U.S.C. 363(f), the estate's interest in certain residential real property, commonly known as 17210 SE 260th Street, Covington, Washington, free and clear of liens and encumbrances, to Jeffery S. Allison and Katie J. Allison for the sum of \$210,000, or such higher sum as may be negotiated or adjusted to accomplish a sale as follows:

1. The property is legally described as follows:

Lot 34, Suncrest Park, according to the plat thereof recorded in Volume 73 of Plats, pages 55 and 56, records of King County, Washington.

2. The terms of sale are be subject to the buyers obtaining financing with all cash at closing.

The buyers are good faith purchasers for value. The sale by the bankruptcy estate is "as is" with no warranties, express or implied.

TRUSTEE'S MOTION
TO SELL REAL PROPERTY - 1

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1 3. Liens, if any, against the property will attach to the proceeds of sale in the same amount and
2 priority as they existed at the time of the bankruptcy filing. From the proceeds of sale, the Trustee is
3 proposing to pay, subject to the Trustee's review of a title report and documentation of claims, a first
4 lienholder claim by Wells Fargo Bank, or its successors or affiliates, in the sum of \$181,370, or such
5 higher sum as may be negotiated or adjusted to accomplish a sale.

6 4. The bankruptcy estate is requesting court authorization to receive the sum of \$15,000 as
7 a buyer's premium, paid by the buyers in addition to the purchase price, as part of the terms of sale,
8 or such higher sum as may be negotiated or adjusted to accomplish a sale.

9 5. At least one-half of the funds received by the bankruptcy estate from the sale proceeds are
10 proposed to be distributed to pre-petition priority and general unsecured creditors. If those creditors
11 are paid in full, any remaining funds may be available for administrative expenses.

12 6. The encumbrances and estimated claim amounts against the property are as follows:

13 (1) HSBC Bank, or its successors or affiliates; \$182,000

14 (2) Salal Credit Union; \$11.057¹

15 7. As part of the sale, the Trustee is requesting court authorization to incur ordinary costs of
16 sale, escrow fees, title insurance, real estate commission charges of six percent of the gross sale price,
17 payment of excise tax and any delinquent real property taxes, and other closing charges.

18 8. The bankruptcy estate is further requesting authorization to pay charges for changes in locks
19 and unpaid utility charges, including utility liens for charges incurred over several months. If no
20 source is available, the trustee may pay such charges from the buyer's premium.

21 9. The trustee also is requesting authorization to be reimbursed for a filing fee in the sum of
22 \$176 from the buyer's premium paid to the bankruptcy estate as net sale proceeds.

23 WHEREFORE, the trustee moves this court for the entry of an order authorizing the property
24 sale and authorizing the trustee to incur and pay the above stated costs and disbursements related to
25 the sale.

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27 ¹The Trustee disputes the validity of the Salal Credit Union lien claim since it appears
28 to be a Uniform Commercial Code claim against personal property improperly filed against real property.

TRUSTEE'S MOTION
TO SELL REAL PROPERTY - 2

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DATED this 6th day of November, 2015.

/s/ Ronald G. Brown
Ronald G. Brown, WSBA #8816
Chapter 7 Trustee

TRUSTEE'S MOTION
TO SELL REAL PROPERTY - 3

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